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From: Elizabeth K. McCloskey
Sent: Monday, September 12, 2016 3:41 PM
To: Cisco-Arista (Cisco-Arista@quinnemanuel.com)
Cc: ARISTA-KVN
Subject: Cisco v. Arista: Cisco's Witness List

Counsel,

I write regarding Cisco's witness list, disclosed on September 7, 2016.

Cisco's witness list contains ten witnesses which Cisco untimely disclosed in this case. Specifically, just weeks before the close of fact discovery, Cisco amended its Rule 26 disclosures to add ten new witnesses, all of whom are current or former Cisco employees: Christine Bakan, Dylan Cannon, Praveen Jain, Ramana Mellacheruvu, Frank Palumbo, Jeff Reed, Hilton Romanski, Sukumar Subburayan, David Ward, and Mallun Yen. Shortly thereafter, by correspondence dated May 16, Arista raised a concern that Cisco had failed to provide any justification for waiting over a year and a half after filing suit to identify these internal Cisco witnesses. Indeed, Cisco had previously sought to prevent Arista from obtaining additional depositions, then waited until Arista had taken or allocated all of its depositions before disclosing these witnesses.

In response to Arista's correspondence, Cisco represented that it would not call Jain, Mellacheruvu or Subburayan as trial witnesses, and that Arista would have the opportunity to depose Cannon, Palumbo and Bakan as 30(b)(6) designees. Cisco stated that these factors "should alleviate some of [Arista's] concerns."

However, now, each of these ten witnesses is included on Cisco's witness list. Accordingly, we would like to confirm, first, that Cisco will not call Jain, Mellacheruvu, Reed, Romanski, Subburayan, Ward, or Yen as trial witnesses, and second, that Cannon, Palumbo and Bakan will testify only regarding those topics for which Cisco designated them as Rule 30(b)(6) designees.

We would appreciate a response to this email by this Wednesday, September 14.

Thanks,
Lizzy

Elizabeth K. McCloskey
Attorney at Law

KEKER & VAN NEST LLP

415 676 2269 direct | vCard | emccloskey@kvn.com
633 Battery Street, San Francisco, CA 94111-1809 | 415 391 5400 main | kvn.com